

Remarks

Claims 1 through 10 and 13 through 20 are now pending.

Claim 1 has been amended to more clearly present the claimed process.

The Rejection

The following patents have been relied upon to reject various of the Applicants' claims:

	<u>U.S. Patents</u>
6,090,880	Zimmer, et al. (Zimmer)

Rejection Under 35 U.S.C. Section 112, Second Paragraph

Claims 1 through 10 and 13 through 20 have been rejected under 35 U.S.C. Section 112, first paragraph, as failing to comply with the written description requirement in a sense of "autogeneous" not being clearly supported by the Applicants' disclosure.

The Examiner defines the term "autogeneous" as meaning "produced from within-self generating". This is exactly what the Applicants intended to mean by the passage in the text of their Application on Page 4, Lines 19 through 27, with the term "autogeneously" recited in Line 22.

It is recognized that the Examiner has pointed out that the Applicants' may have misspelled the term "autogeneous".

Further, this passage points out that a purpose of the extended mixing after the temperature autogeneously rises from below 40°C to a predetermined elevated temperature is to

"...aid in promoting a coupling interaction of the coupling agent with the silica domains contained on the surface of the silica-containing carbon black during the mixing of the ingredients."

Accordingly, it is contended that the Applicants' claim 1, and its amendment, find adequate basis in the text of the Applicants' specification and original disclosure in the sense of 35 U.S.C. Section 112, second paragraph.

Moreover, it is not seen that the Applicants' process claim 1 provides a step-wise mixing process that is open ended. In particular, the process of claim 1:

1. requires the mixing to occur from a temperature of less than 40°C to an autogeneously reached elevated temperature in a range of about 140°C to about 180°C.

The Examiner is requested to point out where this part of the step-wise process of the Applicants' claim 1 is open ended with no end point.

2. requires that, after the elevated temperature is autogeneously reached, an extended mixing is continued within a narrow temperature range of about 10°C of the elevated temperature for a period of from about 0.5 to about 15 minutes to

“ . . . promote an extended coupling interaction of the coupling agent with the silica domains contained on the surface of the silica-containing carbon black and optional synthetic precipitated silica during the extended mixing of the ingredients.”

The Examiner is requested to point out where this part of the step-wise process of the Applicants' amended claim 1 is open ended with no end point.

Rejection Under 35 U.S.C. Section 103

Claims 1 through 10 and 13 through 20 have been rejected under 35 U.S.C. Section 103(a) as being obvious in view of Zimmer.

A reconsideration of the rejection of the Applicants' claims is requested in view of amendments made to claim 1 and comments herein.

Discussion

The step-wise process of the Applicants' amended claim 1 is not taught or suggested by the Zimmer patent reference. In particular, there is no teaching or suggestion in Zimmer to provide a step-wise mixing process by:

1. first mixing its rubber composition in an internal rubber mixer to autogenously reach an elevated temperature in a range of from 140°C to 180°C followed by, after autogeneously reaching the elevated temperature (within such temperature range),

2. continuing an extended mixing of the rubber composition at a temperature within a narrow temperature range of about 10°C of said autogeneously reached elevated temperature

for a period of from 0.5 to 15 minutes in order to

“ . . . promote an extended coupling interaction of the coupling agent with the silica domains contained on the surface of the silica-containing carbon black and optional synthetic precipitated silica during the extended mixing of the ingredients.”

It appears to very clear that Zimmer does not teach or suggest such step-wise mixing process.

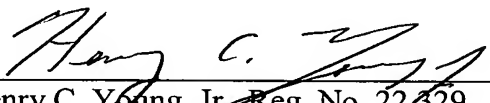
Accordingly, it is contended that the process disclosed in Zimmer is has a significant material deficiency which does not therefore render the step-wise process if the Applicant's amended claim 1 obvious in the sense of 35 U.S.C. Section 103(a).

In particular, it is contended that the process described in the Zimmer reference does not make out a prima facie case of obviousness of the Applicants' claimed step-wise process, particularly the Applicants' claim 1, without a significant and detailed reconstruction of the Zimmer reference in the sense of 35 U.S.C. Section 103(a). In particular, one would not be motivated by Zimmer to utilize the Applicants' claimed process in the absence of the Applicants' own specification and claims.

Conclusion

In view of the amendments made to the Applicants' step-wise process claim 1 and comments herein it is contended that the Applicants' claimed process, particularly the process of claim 1, complies with the requirements of 35 U.S.C. Section 112, second paragraph, and is not obvious in view of Zimmer in the sense of 35 U.S.C. Section 103(a).

Respectfully submitted,


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